

## MEETING OF

### THE DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION

A meeting of the Delaware Agricultural Lands Preservation Foundation was held at the Delaware Department of Agriculture, 2320 S. DuPont Hwy. Dover, Delaware, December 14, 2005, with the following members in attendance:

Robert F. Garey, Chairman	Mark Davis (representing Michael T. Scuse, Secretary of Agriculture)
William Vanderwende, Chairman	Ann Visalli Deputy State Treasurer (representing Jack Markell, State Treasurer)
Lyn Davenport, Secretary	Bryan Hall (representing W. Allen Jones, Chair of the Governor's Council on Forestry)
Kevin Coyle (representing John Hughes, Secretary of DNREC)	

Absent: Theodore P. Bobola, Jr. and Alden Hopkins.

The following staff members were in attendance: Michael McGrath, Howard Mesick, Milton Melendez, Cathy Mesick, and Robin West.

Others in attendance: F. Michael Parkowski, Esq., Mr. Phil Tuthill, Mr. Bob Reed and Mrs. Stella Reed.

Chairman Garey opened the meeting at 8:30 a.m. with prayer.

#### I. Progress Report:

Milton Melendez informed the Board that we have a total of 608 farms in preservation districts totaling 140,577 acres, with a total of 442 farms under agricultural easements totaling 79,944 acres at a cost of \$103,631,448. In Purchase of Development Rights Round 11 we currently have received applications for 80 farms with a total of 12,277 acres and in Purchase off Development Rights Round 12 we have currently 28 applications totaling to 28,000 acres.

#### II. Expansion Eligibility/Final Approval

1. The Weston Expansion of the Baker Farms District, ID#N-05-11-187E. After discussion, **Lyn Davenport moved to accept for eligibility/final approval the Weston Expansion of the Baker Farms District, seconded by Dennis Clay. Motion unanimously approved.**

#### III. Public Comments – No public comment was received.

#### IV. Minutes - Chairman Garey asked if there were additions or corrections to the November 9, 2005 minutes. Receiving no additions or corrections to the minutes, **Dennis Clay moved the minutes be approved, seconded by Lyn Davenport. Motion unanimously approved.**

#### V. Financial Highlights:

Cathy Mesick informed the Foundation Board that we had, as of November 31, 2005, \$26,629.19 in the Foundation's checking account. The Foundation's interest bearing State of Delaware account had a balance of \$318,376.86. Revenue for the month of November was \$4,003.16 in roll back taxes and \$480.00 from donations. Expenditures for the month of November totaled \$7,566.63. After discussion, **Dennis Clay moved to accept the Financial Report as presented, seconded by Kevin Coyle. Motion unanimously approved.**

At this point Michael McGrath brought up the list of meeting dates for the Foundation for 2006. After some discussion the Foundation found none of the dates needed to be changed. Chairman Garey mentioned that he would be out of state on February 11<sup>th</sup>, but that should not require a change of meeting date in February.

VI. Executive Session

After discussion with Mike Parkowski the Board decided an executive session was necessary. **William Vanderwende moved to go into executive session, seconded by Lyn Davenport. Motion unanimously approved.** The Board went into executive session at 8:40 a.m.

The Board came out of executive session at 9:09 a.m. **Kevin Coyle moved that the executive session end, seconded by Dennis Clay. Motion unanimously approved.**

VII. Other Business

A. S-98-07-035B Reed Property – Purchase of Development Rights Round 9. Request to Terminate Option Agreement.

Mrs. Stella Reed presented her position to the Foundation concerning the request to terminate the option agreement. First, that the appraisal for the larger parcel used market data from 1999, second that the appraisal for the smaller parcel used more recent market data. And third that the reimbursement for costs did not match with what was actually done, that is that only one survey had been completed. The survey for the second parcel had not been done. Therefore, the reimbursement for costs was much too high. There is very little cost incurred on this property.

Chairman Garey informed Mrs. Reed that if there was a question concerning the appraisal that the landowner could have contested the appraisal. Mrs. Reed stated that they trusted the Foundation. Mrs. Reed then stated that they had gotten an appraisal which came to over \$1M. Michael Parkowski stated that we don't decide if the appraiser did the appraisal correctly, and there is a way for the landowner to contest these appraisals. Mr. Parkowski continued by say that the Option Agreement gives the Foundation two ways to go, either to go to court and enforce the contract or to allow the landowner to get out of the option and pay for the costs incurred by the Foundation. Mrs. Reed stated that they had no intention of paying this cost.

VIII. Executive Session

At this time Michael Parkowski and the Foundation Board decided an executive session was necessary. **William Vanderwende moved that the Board go into executive session, seconded by Dennis Clay. Motion unanimously approved.** The Board went into executive session at 9:25 a.m. At 9:35 a.m. the Board came out of executive session. **Mark Davis moved the executive session to end, seconded by Lyn Davenport. Motion unanimously approved.**

F. Michael Parkowski was instructed by the Board to send a letter to Mr. and Mrs. Reed concerning this issue. Discussion followed concerning the appraisals provided by the Foundation and current market value.

IX. Adjournment

As there was no further business to come before the Foundation, the meeting adjourned at 9:45 a.m. The next meeting of the Foundation will be held on January 11, 2006 at the Delaware Department of Agriculture, beginning at 8:30 a.m.

Respectfully submitted,

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Lyn Davenport  
Secretary